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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUTHIA HE, A/K/A/ RUJIA HE, and
DAVID BRODY,

Defendants.

CASE NO. CR 24-329 CRB

DECLARATION OF ARUN BODAPATI IN
SUPPORT OF UNITED STATES' MOTION TO
PRECLUDE DEFENDANT HE FROM
ASSERTING AN ADVICE OF COUNSEL
DEFENSE

1
2 I, Arun Bodapati, declare and state as follows:

3 1. I am a Trial Attorney for the United States Department of Justice assigned to
4 the prosecution of the above-captioned case.

5 2. Attached hereto as Exhibit A is a true and correct copy of Defendant Ruthia He's
6 September 15, 2025 Notice of Intent to Raise an Advice of Counsel Defense.

7 3. Attached hereto as Exhibit B is a true and correct copy of an Acknowledgement of
8 Waiver of Attorney-Client and Work Product Privilege filed in *United States v. Patel*, 9:19-cr-80181
9 (S.D. Fla.).

10 I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

11 DATED: September 19, 2025
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13 _____/s/
14 ARUN BODAPATI
15 Trial Attorney
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EXHIBIT A



2029 Century Park East
Los Angeles, CA 90067-2905
Tel: 310 855 3000
Fax: 310 855 3099

September 15, 2025

VIA EMAIL

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Emily Gurskis
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Re: United States. v. Ruthia He, CR 24-329-CRB, Notice of Intent to Raise Advice of Counsel Defense

Dear Counsel:

Pursuant to the Court's order of May 28, 2025, Ms. He hereby provides notice to the Government that she intends to argue at trial that she relied on the advice of counsel based on communications about the below subject matters that are relevant to the Government's charges against her:

1. Done's organization under a friendly PC structure pursuant to a Master Services Agreement drafted between May and August 2020;
2. Done's implementation of a 30 minute initial appointment time;
3. Federal guidance and regulations during the Public Health Emergency declared in or around March 2020, and state laws/regulations, regarding the minimum required follow-up frequency;
4. Federal guidance during the Public Health Emergency declared in or around March 2020 regarding the use of asynchronous follow-up;
5. Done's panel pay model memorialized in clinician contracts drafted in October 2020 and revised in September 2021;

Notice of Intent to Raise Advice of Counsel Defense

September 15, 2025

Page 2

6. Done's response to H [REDACTED] B [REDACTED]'s mother's request for her adult son's medical records; and
7. Done's termination of the following nurse practitioners who practiced on Done's platform
 - a. N [REDACTED] E [REDACTED]
 - b. M [REDACTED] O [REDACTED]
 - c. I [REDACTED] H [REDACTED]
 - d. S [REDACTED] R [REDACTED]

Ms. He does not intend to raise an advice of counsel defense related to any other subject matter except those identified above. Therefore, Ms. He does not waive privilege over other subject matters.

In connection with the above, Ms. He produces documents Bates-stamped RUTHIA-DOJ-00000001 through RUTHIA-DOJ-00005804, which are related to the advice she received on the subject matters identified above. The documents will be produced via FTP link, which will be sent to you contemporaneous with this notice.

Sincerely,

/s/Koren Bell

Koren Bell

Michael Schachter

Steven Ballew

Willkie Farr & Gallagher LLP

Cc: Valery Nechay, valery@nechaylaw.com

EXHIBIT B

Acknowledgement of Waiver of Attorney-Client and Work Product Privilege

I, Minal Patel, have informed the prosecution team in 19-CR-80181-RAR that I intend to assert an Advice-of-Counsel defense in response to the charges set forth in the attached Indictment. As a result, on behalf of myself in my individual capacity and on behalf of LabSolutions, LLC, I have waived the attorney-client privilege and to the extent I have authority to do so, I also waive the work product privilege, relating to the subject matter of the allegations in the attached Indictment: (1) compliance with any anti-kickback statutes; (2) compliance with the Eliminating Kickbacks in Recovery Act; (3) compliance with laws, statutes and regulations relating to billing Medicare for cancer genomic testing (CGx); and (4) money laundering.

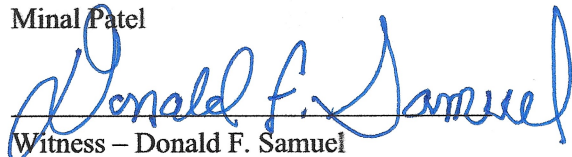
This waiver applies to the communications with and materials prepared by or on behalf of any attorneys or law firms that worked for or with myself or LabSolutions, LLC, prior to September 1, 2019, which includes but is not limited to the following attorneys:

1. Steve Petersen (currently at Fox Rothschild LLP and formerly Smith Moore Leatherwood LLP)
2. Tobin Watts (currently at Fox Rothschild LLP and formerly Smith Moore Leatherwood LLP)
3. Dan Silverboard (currently at Holland & Knight LLP and formerly Fox Rothschild LLP)
4. S. Craig Holden (currently at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC)
5. James Holloway (formerly at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC)

If the government intends to speak to any other attorney (other than the five lawyers identified above) that represented me, or LabSolutions, the government must provide at least 24-hours' notice and the name of the attorney to my current attorney, Steve Sadow, by email to stevesadow@gmail.com

I have asserted this defense and made the resulting waivers knowingly, voluntarily, and after consulting with my current attorney, Steve Sadow, and of my own free will.

Dated: January 24, 2022

Minal Patel
Minal Patel

Witness – Donald F. Samuel